

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:)	Chapter 11
)	
ADVANCED SPORTS ENTERPRISES, INC.,)	Case No. 18-80856
)	
Debtor.)	
)	
<hr style="border: 0.5px solid black;"/>		
In re:)	Chapter 11
)	
ADVANCED SPORTS, INC.,)	Case No. 18-80857
)	
Debtor.)	
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In re:)	Chapter 11
)	
PERFORMANCE DIRECT, INC.,)	Case No. 18-80860
)	
Debtor.)	
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In re:)	Chapter 11
)	
BITECH, INC.,)	Case No. 18-80858
)	
Debtor.)	
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In re:)	Chapter 11
)	
NASHBAR DIRECT, INC.,)	Case No. 18-80859
)	
Debtor.)	
)	
<hr style="border: 0.5px solid black;"/>		
)	(Joint Administration Requested)
)	(Emergency Hearing Requested)

**DEBTORS' MOTION FOR AN ORDER DIRECTING
JOINT ADMINISTRATION OF CHAPTER 11 CASES**

Advanced Sports Enterprises, Inc., Advanced Sports, Inc., Performance Direct, Inc.,
Bitech, Inc., and Nashbar Direct, Inc. (collectively, the "Debtors") file this *Motion for an Order*

Directing Joint Administration of Chapter 11 Cases (the “Motion”). In support of this Motion, the Debtors respectfully represent as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over these cases and this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicate for the relief requested herein is Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

BACKGROUND

3. On the date hereof (the “Petition Date”), each of the Debtors filed a voluntary petition with the Court under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”).

4. On the Petition Date, each Debtor filed a substantially similar motion with this Court seeking to have its bankruptcy case jointly administered with the other Debtors’ cases pursuant to Bankruptcy Rule 1015(b).

5. The factual background relating to the Debtors’ commencement of these cases is set forth in detail in the *Declaration of Patrick Cunnane in Support of First Day Motions and Applications* filed on the Petition Date and incorporated herein by reference.

6. The Debtors have continued in possession of their properties and have continued to manage their businesses as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

7. As of the date of this filing, no official committee of unsecured creditors has been appointed in any of these cases, and no request has been made for the appointment of a trustee or examiner.

RELIEF REQUESTED

8. The Debtors intend to file with the Court numerous motions and applications, including the various motions and applications which have been filed on the first day of these cases. Joint administration for procedural purposes of these cases will avoid unnecessary delay and expense by obviating the need for the Debtors to file duplicative motions and applications and for the Court to enter duplicative orders in each of these chapter 11 cases. Joint administration will also avoid the burdensome necessity of duplicating notices to numerous creditors. Finally, supervision of the administrative aspects of these chapter 11 cases by the U.S. Bankruptcy Administrator will be simplified by joint administration of these cases.

9. The rights of the respective creditors will not be adversely affected by joint administration of these cases because the relief sought in this Motion is purely procedural and is in no way intended to affect substantive rights.

10. The Debtors also request, for the convenience of all parties and the Court, that these chapter 11 cases be jointly administered under the lowest case number and that all court papers pertaining thereto be filed under the following caption:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:)	Chapter 11
)	
Advanced Sports Enterprises, Inc., et al.,¹)	Case No. 18-80856
)	(Jointly Administered)
)	
Debtors.)	

¹ The Debtors in this case, along with each Debtor's case number, are: (i) Advanced Sports Enterprises, Inc., Case No. 18-80856; (ii) Advanced Sports, Inc., Case No. 18-80857; (iii) Performance Direct, Inc., Case No. 18-80860; (iv) Bitech, Inc., Case No. 18-80858; and (v) Nashbar Direct, Inc., Case No. 18-80859. Each Debtor is a North Carolina Corporation.

11. The Debtors also seek the Court's direction that a notation substantially similar to the following notation be entered on the docket of each of the Debtors' cases to reflect the joint administration of these cases:

An Order has been entered in this case directing the procedural consolidation and joint administration of: Advanced Sports Enterprises, Inc., Case No. 18-80856; Advanced Sports, Inc., Case No. 18-80857; Performance Direct, Inc., Case No. 18-80860; Bitech, Inc., Case No. 18-80858; and Nashbar Direct, Inc., Case No. 18-80859. **All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 18-80856.**

12. Finally, the Debtors seek authority to file the monthly operating reports required by the U.S. Bankruptcy Administrator on a consolidated basis. This will further administrative economy and efficiency without prejudice to any party-in-interest.

BASIS FOR RELIEF

13. Bankruptcy Rule 1015(b) provides, in relevant part, that if "two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a joint

administration of the estates.” The Debtors are “affiliates” as that term is defined under section 101(2) of the Bankruptcy Code. Accordingly, the Court is authorized to grant the requested relief.

NOTICE

14. Notice of this Motion shall be provided as set forth in the *Debtors’ Emergency Motion for an Order Shortening Notice and Scheduling Expedited Hearing on First Day Motions*, or as may otherwise be directed by this Court.

CONCLUSION

WHEREFORE the Debtors respectfully request that this Court:

- (a) enter an order in the form attached hereto as Exhibit A granting the relief requested herein; and
- (b) grant the Debtors such other and further relief as is just and proper.

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Dated: November 16, 2018

Respectfully submitted,

NORTHEN BLUE, LLP

/s/ John A. Northen

John A. Northen
North Carolina State Bar No. 6789
jan@nbfirm.com

Vicki L. Parrott
North Carolina State Bar No. 25449
vlp@nbfirm.com

John Paul H. Cournoyer
North Carolina State Bar No. 42224
jpc@nbfirm.com

1414 Raleigh Road, Suite 435
Chapel Hill, North Carolina 27517
Telephone: (919) 968-4441

**PROPOSED COUNSEL FOR THE
DEBTORS-IN-POSSESSION**

FLASTER/GREENBERG P.C.

William J. Burnett (PA Bar No. 75975)
(*pro hac* application pending)
Harry J. Giacometti (PA Bar No. 55861)
(*pro hac* application pending)
Damien Nicholas Tancredi (PA Bar No. 308317)
(*pro hac* application pending)
1835 Market Street, Suite 1050
Philadelphia, PA 19103
(215) 279-9383 Telephone
(215) 279-9394 Facsimile
william.burnett@flastergreenberg.com

EXHIBIT A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:)	Chapter 11
)	
ADVANCED SPORTS ENTERPRISES, INC.,)	Case No. 18-80856
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In re:)	Chapter 11
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PERFORMANCE DIRECT, INC.,)	Case No. 18-80860
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Debtor.)	
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In re:)	Chapter 11
)	
BITECH, INC.,)	Case No. 18-80858
)	
Debtor.)	
)	
)	
<hr/>)	
In re:)	Chapter 11
)	
NASHBAR DIRECT, INC.,)	Case No. 18-50859
)	
Debtor.)	(Jointly Administered)
)	
)	
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ORDER DIRECTING JOINT ADMINISTRATION OF CHAPTER 11 CASES

This matter is before the Court on the *Debtors' Motion for an Order Directing Joint Administration of Chapter 11 Cases* (the "Motion") of Advanced Sports Enterprises, Inc., Advanced Sports, Inc., Performance Direct, Inc., Bitech, Inc., and Nashbar Direct, Inc. (collectively, the "Debtors"). All capitalized terms used but not defined herein shall have the meanings given to them in the Motion.

The Court has considered the Motion, the *Declaration of Patrick Cunnane in Support of First Day Motions and Applications*, and the matters reflected in the record of the hearing held on the Motion on November ____, 2018. It appears that the Court has jurisdiction over this proceeding; that this is a core proceeding; that appropriate notice was given under the circumstances and that no other notice need be provided; that the relief sought in the Motion is in the best interests of the Debtors, their estates, and their creditors; and that good and sufficient cause exists for such relief.

Accordingly, it is hereby ORDERED as follows:

1. The Motion is GRANTED.

2. The above-captioned chapter 11 cases are consolidated for procedural purposes only and shall be jointly administered by the Court.

3. Nothing contained in this Order shall be deemed or construed as directing or otherwise affecting the substantive consolidation of any of the above-captioned cases.

4. The caption of the jointly administered cases should read as follows:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:)	Chapter 11
)	
Advanced Sports Enterprises, Inc., <i>et al.</i>,¹)	Case No. 18-80856
)	(Jointly Administered)
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Debtors.)	
<hr/>)	

¹ The Debtors in this case, along with each Debtor's case number, are: (i) Advanced Sports Enterprises, Inc., Case No. 18-80856; (ii) Advanced Sports, Inc., Case No. 18-80857; (iii) Performance Direct, Inc., Case No. 18-80860; (iv) Bitech, Inc., Case No. 18-80858; and (v) Nashbar Direct, Inc., Case No. 18-80859. Each Debtor is a North Carolina Corporation.

5. All pleadings and other papers filed in these cases, with the exception of proofs of claim, schedules and statements, and lists of creditors, shall be filed under the lead case, Advanced Sports Enterprises, Inc. (Case No. 18-80856).

6. A notation substantially similar to the following notation shall be entered on the docket of each of the Debtors' cases to reflect the joint administration of these cases:

An Order has been entered in this case directing the procedural consolidation and joint administration of: Advanced Sports Enterprises, Inc., Case No. 18-80856; Advanced Sports, Inc., Case No. 18-80857; Performance Direct, Inc., Case No. 18-80860; Bitech, Inc., Case No. 18-80858; and Nashbar Direct, Inc., Case No. 18-80859. **All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 18-80856.**

7. The Debtors shall be permitted to file their monthly operating reports required by the U.S. Bankruptcy Administrator Operating Guidelines on a consolidated basis.

8. The Debtors are directed to serve a copy of this Order on all creditors and interested parties within three (3) business days of the entry of this Order and to file a certificate of service with the Clerk of the Court.

[END OF DOCUMENT]